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Before The
Federal Communications Commission

Washington, D.C. 20554

MAY 13 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In re Applications Of)	Docket No. MM 93-42
)	
MOONBEAM, INC.)	File No. BPH-911115MG
)	
GARY E. WILLSON)	File No. BPH-911115MO
)	
For a Construction Permit for a)	
New FM Station on Channel)	
265A in Calistoga, California)	

To: The Honorable Edward Luton
Administrative Law Judge

Petition for Leave to Amend

Moonbeam, Inc. ("Moonbeam"), by its attorneys and pursuant to Sections 73.3522 and 1.65 of the Commission's Rules, hereby petitions for leave to amend its pending application for a new FM Broadcast Station on Channel 265A at Calistoga, California. In support thereof, Moonbeam states as follows:

1. Moonbeam seeks to amend its application to report the change of its address and the address of its President, sole shareholder and director, Mary F. Constant. Said change became effective on April 29, 1993.

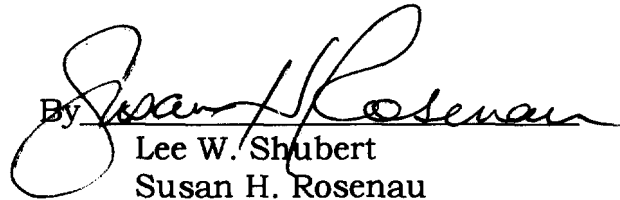
2. This amendment is submitted pursuant to Section 1.65 of the Commission's Rules which requires applicants to inform the Commission when the information "furnished in the pending application is no longer substantially accurate and complete . . . " 47 C.F.R. § 1.65(a). An applicant is responsible for the continuing accuracy of all information contained in its application.

3. The proposed amendment meets the test of *Erwin O'Connor Broadcasting Co.*, 22 FCC 2d 140 (Rev. Bd. 1970). The proffered amendment reports a change in the applicant's address. The acceptance of the amendment will not cause the addition of parties or issues to the proceeding; will not prejudice any party nor newly confer a competitive advantage on the applicant. Neither will the amendment delay or disrupt the proceeding. Thus, good cause exists for the acceptance of the tendered amendment.

WHEREFORE, the premises considered, Moonbeam respectfully requests that its Petition for Leave to Amend be granted and that the attached amendment be accepted.

Respectfully submitted,

MOONBEAM, INC.

By 
Lee W. Shubert
Susan H. Rosenau

Its Attorneys

HALEY, BADER & POTTS
Suite 900
4350 North Fairfax Drive
Arlington, VA 22203-1633
703/841-0606
May 13, 1993

AMENDMENT

Please amend the application of Moonbeam, Inc. (File No. BPH-911115MG) for authority to construct a new commercial FM broadcast station on Channel 265A at Calistoga, California in the following respects:

FCC Form 301, Section I, Item 1, and Section II, Item 6

Substitute the amended Section I, Item 1 (Page 1) and Section II (Page 2) submitted herewith in lieu of the Section 1, Item 1 (Page 1) and Section II (Page 2) previously submitted.

CERTIFICATION

I, Mary F. Constant, hereby certify the the statements contained in this amendment are true, complete and correct, to the best of my knowledge and belief, and are made in good faith. I also certify that no party to the application of Moonbeam, Inc. is subject to a denial of federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. 853a.

Signed and dated this 7 day of May, 1993.

MOONBEAM, INC.

By Mary F. Constant
Mary F. Constant, President

Approved by OMB
3060-0027
Expires 6/30/95

FCC 301

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

FOR
FCC
USE
ONLY

APPLICATION FOR CONSTRUCTION PERMIT
FOR COMMERCIAL BROADCAST STATION

FOR COMMISSION USE ONLY

FILE NO.

Section 1 - GENERAL INFORMATION

1. APPLICANT NAME

Moonbeam, Inc.

MAILING ADDRESS (Line 1) (Maximum 35 characters)

2121 Diamond Mountain Road

MAILING ADDRESS (Line 2) (if required) (Maximum 35 characters)

CITY

Calistoga

STATE OR COUNTRY (if foreign address)

California

ZIP CODE

94515

TELEPHONE NUMBER (include area code)

(707) 942-0707

CALL LETTERS

OTHER FCC IDENTIFIER (IF APPLICABLE)

BPH-911115MG

FOR MAILING THIS APPLICATION, SEE INSTRUCTIONS FOR SECTION 1 - GENERAL INFORMATION B.

2. A. Is a fee submitted with this application? N/A

☐ Yes ☐ No

B. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1112) and go to Question 3.

☐ Governmental Entity

☐ Noncommercial educational licensee

C. If Yes, provide the following information:

Enter in Column (A) the correct Fee Type Code for the service you are applying for. Fee Type Codes may be found in the "Mass Media Services Fee Filing Guide." Column (B) lists the Fee Multiple applicable for this application. Enter in Column (C) the result obtained from multiplying the value of the Fee Type Code in Column (A) by the number listed in Column (B).

(A)

(B)

(C)

1) FEE TYPE CODE

FEE MULTIPLE
(if required)

FEE DUE FOR FEE TYPE
CODE IN COLUMN (A)

FOR FCC USE ONLY

Section I - GENERAL INFORMATION (Page 2)

(c) Check one of the following boxes:

- ☐ Application for NEW station
- ☐ MAJOR change in licensed facilities; call sign: _____
- ☐ MINOR change in licensed facilities; call sign: _____
- ☐ MAJOR modification of construction permit; call sign: _____
- File No. of construction permit: _____
- ☐ MINOR modification of construction permit; call sign: _____
- File No. of construction permit: _____
- ☐ AMENDMENT to pending application; Application file number: _____

NOTE: It is not necessary to use this form to amend a previously filed application. Should you do so, however, please submit only Section I and those other portions of the form that contain the amended information.

4. Is this application mutually exclusive with a renewal application?

☐ Yes ☐ No

If Yes, state:

Call letters	Community of License	
	City	State

Section II - LEGAL QUALIFICATIONS (Page 2)

6. List the applicant, parties to the application and non-party equity owners in the applicant. Use one column for each individual or entity. Attach additional pages if necessary.

(Read carefully - The numbered items below refer to line numbers in the following table.)

a. Name and residence of the applicant and, if applicable, its officers, directors, stockholders, or partners (if other than individual also show name, address and citizenship of natural person authorized to vote the stock). List the applicant first, officers next, then directors and, thereafter, remaining stockholders and partners.

b. Citizenship.

c. Office or directorship held.

d. Number of shares or nature of partnership interests.

e. Number of votes.

f. Percentage of votes.

NOTE: Radio Applicants ONLY: Radio applicants need not respond to subparts g and h of the table. Instead, proceed and respond to Questions 7, 8 and 9, Section II below.

g. Other existing attributable interests in any broadcast station, including the nature and size of such interests.

h. All other ownership interests of 5% or more (whether or not attributable), as well as any corporate officership or directorship, in broadcast, cable, or newspaper entities in the same market or with overlapping signals in the same broadcast service, as described in 47 C.F.R. Section 73.3555 and 73.501, including the nature and size of such interests and the positions held.

a.	Moonbeam, Inc. 2121 Diamond Mountain Road Calistoga, CA 94515	Mary F. Constant 2121 Diamond Mountain Road Calistoga, CA 94515	Pat Van Paepegghum 102 Hyndman Lane Blaine County, ID 83333
b.	USA	USA	USA
c.	Not Applicable	President/Director	Secretary
d.	- 0 -	10	- 0 -
e.	- 0 -	10	- 0 -
f.	- 0 -	100%	- 0 -
g.	None/Not Applicable	None	None
h.	None/Not Applicable	None	None

Section II - LEGAL QUALIFICATIONS

Name of Applicant _____

1. Applicant is: (check one box below)

- ☐ Individual ☐ General partnership ☐ For-profit corporation
☐ Other ☐ Limited partnership ☐ Not-for-profit corporation

2. If the applicant is an unincorporated association or a legal entity other than an individual, partnership, or corporation, describe in an Exhibit the nature of the application.

Exhibit No. _____

NOTE: The terms "applicant," "parties to this application," and "non-party equity owners in the applicant" are defined in the instructions for Section II of this form. Complete information as to each "party to this application" and each "non-party equity owner in the applicant" is required. If the applicant considers that to furnish complete information would pose an unreasonable burden, it may request that the Commission waive the strict terms of this requirement with appropriate justification.

3. If the applicant is not an individual, provide the date and place of filing of the applicant's enabling charter (e.g., a limited partnership must identify its certificate of limited partnership and a corporation must identify its articles of incorporation by date and place of filing):

Date _____ Place _____

In the event there is no requirement that the enabling charter be filed with the state, the applicant shall include the enabling charter in the applicant's public inspection file. If, in the case of a partnership, the enabling charter does not include the partnership agreement itself, the applicant shall include a copy of the agreement in the applicant's public inspection file.

4. Are there any documents, instruments, contracts or understandings (written or oral), other than instruments identified in response to Question 3 above, relating to future ownership interests in the applicant, including but not limited to, insulated limited partnership shares, nonvoting stock interests, beneficial stock ownership interests, options, rights of first refusal, or debentures?

☐ Yes ☐ No

If Yes, submit as an Exhibit all such written documents, instruments, contracts, or understandings, and provide the particulars of any oral agreement.

Exhibit No. _____

5. Complete, if applicable, the following certifications:

(a) Applicant certifies that no limited partner will be involved in any material respect in the management or operation of the proposed station.

☐ Yes ☐ No

If No, applicant must complete Question 6 below with respect to all limited partners actively involved in the media activities of the partnership.

(b) Does any investment company (as defined in 15 U.S.C. Section 80 a-3), insurance company, or trust department of any bank have an aggregated holding of greater than 5% but less than 10% of the outstanding votes of the applicant?

☐ Yes ☐ No

If Yes, applicant certifies that the entity holding such interest exercises no influence or control over the applicant, directly or indirectly, and has no representatives among the

☐ Yes ☐ No

CERTIFICATE OF SERVICE


The undersigned, an employee of Haley, Bader & Potts, hereby certifies that the foregoing Petition for Leave to Amend was mailed this date by First Class U.S. Mail, postage prepaid, or was hand-delivered*, to the following:

A. Wray Fitch, III, Esquire
Gammon & Grange
8280 Greensboro Drive
McLean, VA 22102-3807

Administrative Law Judge Edward Luton
2000 L Street N.W.
Washington, D.C. 20036

Larry Miller, Esquire*
Federal Communications Commission
Mass Media Bureau, Hearing Branch
Suite 7212
2025 M Street N.W.
Washington, D.C. 20554

Chief, Data Management Staff*
Audio Services Division
Mass Media Bureau
Federal Communications Commission
Rm. 350
1919 M Street N.W.
Washington, D.C. 20554

A handwritten signature in cursive script, reading "Lucy D. Santiago", is written over a horizontal line.

May 13, 1993